

**U.S. Department of Justice**

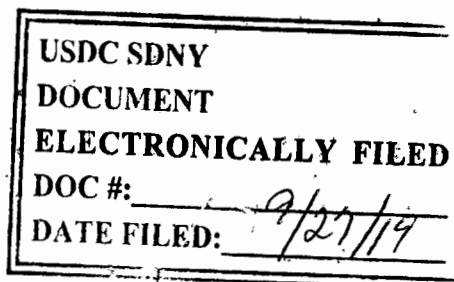
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September 26, 2019

**By Facsimile (212) 805-6382**

The Honorable Victor Marrero  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007



Re: *Lacewell v. Office of the Comptroller of the Currency*, 18 Civ. 8377 (VM)

Dear Judge Marrero:

This Office represents defendants the Office of the Comptroller of the Currency and Comptroller Joseph M. Otting (together, "OCC") in the above-referenced matter. As the Court is aware, OCC and plaintiff the New York State Department of Financial Services ("DFS") have been engaged in negotiations concerning the language of a proposed final judgment in light of the Court's May 2, 2019, decision and order. (ECF No. 28). The parties have conferred and are in agreement that the Court's May 2, 2019, order resolves the substantive legal issues in this matter and renders the entry of final judgment appropriate. The parties also have reached agreement on all but one provision of the proposed judgment. The parties have been unable to resolve their disagreement over one specific provision concerning the geographic scope of the court's relief, and agree that the Court should decide whether to include the disputed provision.

Accordingly, the parties respectfully request that the Court: (i) hold OCC's deadline to answer the Complaint (which is presently Monday, September 30, 2019) in abeyance; (ii) permit the parties to submit letters to the Court presenting their respective positions on the language of the proposed judgment by Monday, October 7, 2019; and (iii) and after briefing is complete, issue a final judgment consistent with the Court's decision on the disputed language.

We thank the Court for its consideration of this letter.

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

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cc: *Plaintiff's counsel* (by e-mail)

